United Nations S/RES/2428 (2018)

Security Council

Distr.: General
13 July 2018

Resolution 2428 (2018)

Adopted by the Security Council at its 8310th meeting, on 13 July 2018

The Security Council,

Recalling its previous resolutions and statements on South Sudan, in particular resolutions 2057 (2012), 2109 (2013), 2132 (2013), 2155 (2014), 2187 (2014), 2206 (2015), 2241 (2015), 2252 (2015), 2271 (2016), 2280 (2016), 2290 (2016), 2302 (2016), 2304 (2016), 2327 (2016), 2353 (2017), 2392 (2017), 2406 (2018), and 2418 (2018),

Expressing grave alarm and concern regarding the conflict between the Transitional Government of National Unity (TGNU) and opposition forces which emanated from internal political disputes among the country's political and military leaders that has resulted in great human suffering, including significant loss of life, conflict-induced food insecurity and threat of famine, displacement of more than four million people, and the loss of property, further impoverishing and disadvantaging the people of South Sudan,

Commending the continued efforts of the Intergovernmental Authority on Development (IGAD)-led High Level Revitalization Forum to facilitate the peace process in South Sudan, *takes note* of the Khartoum Declaration and the intention of the parties to continue negotiations, and *urges* all parties to engage to reach agreement on outstanding issues,

Strongly condemning past and ongoing human rights violations and abuses and violations of international humanitarian law, *further condemning* harassment and targeting of civil society, humanitarian personnel and journalists, *emphasizing* that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable, and that the TGNU bears the primary responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity, and in this regard, *urging* the Government of South Sudan to expeditiously sign the Memorandum of Understanding with the African Union for the creation of the Hybrid Court for South Sudan,

Expressing deep concern at reports of misappropriation of funds that undermine the stability and security of South Sudan, and that these activities can have a devastating impact on society and individuals, weaken democratic institutions, undermine the rule of law, perpetuate violent conflicts, facilitate illegal activities, divert humanitarian assistance or complicate its delivery, and undermine economic markets,

Please recycle

Acting under Chapter VII of the Charter of the United Nations,

1. *Expresses deep concern* at the failures of South Sudan's leaders to bring an end to the hostilities and *condemns* the continued and flagrant violations of the 17 August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), the 21 December 2017 Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (ACOH), and the 27 June 2018 Khartoum Declaration;

2. *Demands* that South Sudan's leaders fully and immediately adhere to the ARCSS, ACOH, and 27 June 2018 Khartoum Declaration and allow, in accordance with relevant provisions of international law and the UN guiding principles of humanitarian assistance, full, safe and unhindered humanitarian access to help ensure timely delivery of humanitarian assistance to all those in need;

3. *Reiterates* that there is no military solution to the conflict;

Arms Embargo

4. *Decides* that, until 31 May 2019, all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the territory of South Sudan from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned; and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories;

5. *Decides* that the measure imposed in paragraph 4 of this resolution shall not apply to the supply, sale or transfer of:

(a) Arms and related materiel, as well as training and assistance, intended solely for support of or use by UN personnel, including the United Nations Mission in the Republic of South Sudan (UNMISS) and the United Nations Interim Security Force for Abyei (UNISFA);

(b) Non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as notified in advance to the Committee;

(c) Protective clothing, including flak jackets and military helmets, temporarily exported to South Sudan by UN personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(d) Arms and related materiel temporarily exported to South Sudan by the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the protection or evacuation of its nationals and those for whom it has consular responsibility in South Sudan, as notified to the Committee;

(e) Arms and related materiel, as well as technical training and assistance, to or in support of the African Union Regional Task Force intended solely for regional operations to counter the Lord's Resistance Army, as notified in advance to the Committee;

(f) Arms and related materiel, as well as technical training and assistance, solely in support of the implementation of the terms of the peace agreement, as approved in advance by the Committee;

(g) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

6. *Stresses* the importance that notifications or requests for exemptions pursuant to paragraph 5 above contain all relevant information, including the purpose of the use, the end user, the technical specifications and quantity of the equipment to be shipped and, when applicable, the supplier, the proposed date of delivery, mode of transportation and itinerary of shipments;

Inspections

7. *Underscores* that arms shipments in violation of this resolution risk fuelling conflict and contributing to further instability, and *strongly urges* all Member States to take urgent action to identify and prevent such shipments within their territory;

8. *Calls upon* all Member States, in particular States neighbouring South Sudan, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to South Sudan, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, or transfer of which is prohibited by paragraph 4 of this resolution for the purpose of ensuring strict implementation of these provisions;

9. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items the supply, sale, or transfer of which is prohibited by paragraph 4 of this resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items, and *decides* further that all Member States shall cooperate in such efforts;

10. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 8 of this resolution, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for supply, sale, or transfer are found, further *requires* such Member States to submit to the Committee within 30 days a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

Targeted Sanctions

11. *Underscores* its willingness to impose targeted sanctions in order to support the search for an inclusive and sustainable peace in South Sudan;

12. *Decides* to renew until 31 May 2019 the travel and financial measures imposed by paragraphs 9 and 12 of resolution 2206 (2015), and *reaffirms* the provisions of paragraphs 10, 11, 13, 14 and 15 of resolution 2206 (2015);

13. *Reaffirms* that the provisions of paragraph 9 of resolution 2206 (2015) apply to individuals, and that the provisions of paragraph 12 of resolution 2206 (2015) apply to individuals and entities, as designated for such measures by the Committee established pursuant to paragraph 16 of resolution 2206 (2015) ("the Committee"), as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan;

14. *Underscores* that such actions or policies as described in paragraph 13 above may include, but are not limited to:

(a) Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Agreement on the Resolution of the Conflict in the Republic of South Sudan ("the Agreement");

(b) Actions or policies that threaten transitional agreements or undermine the political process in South Sudan, including Chapter 4 of the Agreement;

(c) Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan;

(d) The targeting of civilians, including women and children, through the planning, directing, or commission of acts of violence (including killing, maiming, or torture), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;

(e) Planning, directing, or committing acts involving sexual and gender-based violence in South Sudan;

(f) The use or recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan;

(g) The obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, including the Ceasefire and Transitional Security Arrangements Monitoring Mechanism or of the delivery or distribution of, or access to, humanitarian assistance;

(h) Attacks against United Nations missions, international security presences, or other peacekeeping operations, or humanitarian personnel;

(i) Acting for or on behalf of, directly or indirectly, an individual or entity designated by the Committee; or

(j) Engagement by armed groups or criminal networks in activities that destabilize South Sudan through the illicit exploitation or trade of natural resources;

15. *Expresses* concerns at reports of misappropriation and diversion of public resources which pose a risk to the peace, security, and stability of South Sudan, *expresses* serious concern at the reports of financial impropriety involving the TGNU, which pose a risk to the peace, stability, and security of South Sudan, and in this context, *underscores* that individuals engaged in actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan may be listed for travel and financial measures;

16. *Reaffirms* that the provisions of paragraphs 9 and 12 of resolution 2206 (2015) apply to individuals, as designated for such measures by the Committee, who are leaders of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 13 and 14 above;

17. *Decides* that the measures specified in paragraphs 9 and 12 of resolution 2206 (2015) shall apply to the individuals identified in Annex 1 to this resolution;

Sanctions Committee/Panel of Experts

18. *Emphasizes* the importance of holding regular consultations with concerned Member States, international and regional and subregional organizations, as well as UNMISS, as may be necessary, in particular neighbouring and regional States, in order to ensure the full implementation of the measures in this resolution, and in that regard encourages the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members;

19. *Decides* to extend until 1 July 2019 the mandate of the Panel of Experts as set out in paragraph 18 of resolution 2206 (2015) and this paragraph, *expresses its intention* to review the mandate and take appropriate action regarding the further extension no later than 31 May 2019, and *decides* that the Panel should carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in this resolution, including through providing the Committee with information relevant to the potential designation of individuals and entities who may be engaging in the activities described in paragraphs 13, 14 and 15 above;

(b) Gather, examine and analyse information regarding the implementation of the measures decided in this resolution, in particular incidents of non-compliance, with particular focus on the benchmarks outlined in paragraph 26 below;

(c) Gather, examine and analyse information regarding the supply, sale or transfer of arms and related materiel and related military or other assistance, including the financing modalities of such activities as well as procurement of these items through illicit trafficking networks, to individuals and entities undermining implementation of the Agreement or participating in acts that violate international human rights law or international humanitarian law, as applicable;

(d) Gather, examine and analyse information on armed groups or criminal networks engaging in the illicit exploitation or trade of natural resources in South Sudan;

(e) Provide to the Council, after discussion with the Committee, an interim report by 1 December 2018, a final report by 1 May 2019, and except in the months when these reports are due, updates each month;

(f) Assist the Committee in refining and updating information on the list of individuals and entities subject to the measures imposed by this resolution, including through the provision of identifying information and additional information for the publicly available narrative summary of reasons for listing;

20. *Requests* the Panel of experts to include the necessary gender expertise, in line with paragraph 6 of resolution 2242 (2015), and *encourages* the Panel to integrate gender as a cross-cutting issue across its investigations and reporting;

21. *Calls upon* all parties and all Member States, especially those neighboring South Sudan, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts, including by providing any information on illicit transfers of wealth from South Sudan into financial, property and business networks and *further urges* all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites in order for the Panel of Experts *to execute its mandate;*

22. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to share relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011), and *invites* the

High Commissioner for Human Rights to share relevant information with the Committee, as appropriate;

Role of UNMISS

23. *Recalls* the mandate of the United Nations Mission in the Republic of South Sudan (UNMISS) as outlined in resolution 2406 (2018), in particular paragraph 7 (c) regarding monitoring, investigating, verifying and reporting on abuses and violations of human rights and violations of international humanitarian law;

24. *Encourages* timely information exchange between UNMISS and the Panel of Experts, and *requests* UNMISS to assist the Committee and the Panel of Experts, within its mandate and capabilities;

Review

25. *Expresses* its intent to monitor and review the situation at 90-day intervals from the adoption of this resolution or more frequently, as needed, and *invites* the Joint Monitoring and Evaluation Commission (JMEC) to share relevant information with the Council, as appropriate, on its assessment of the parties' implementation of the Agreement, adherence to the ARCSS, ACOH and 27 June 2018 Khartoum Declaration, and the facilitation of unhindered and secure humanitarian access, also *expresses* its intent to continue to impose any sanctions that may be appropriate to respond to the situation, which may include the designation of senior individuals responsible for actions or policies that threaten the peace, security or stability of South Sudan;

26. *Affirms* also that it shall be prepared to adjust the measures contained in this resolution, including by strengthening through additional measures, as well as modification, suspension or lifting of the measures, as may be needed at any time in light of the progress achieved in the peace, accountability, and reconciliation process, and in light of the implementation of the parties' commitments, including the ceasefire, and compliance with this and other applicable resolutions;

27. *Decides* to remain seized of the matter.

Annex 1

Travel Ban/Asset Freeze (Individuals)

1. **Name**: 1: MALEK 2: REUBEN 3: RIAK 4: RENGU

Title: Lieutenant General **Designation**: **a)** Deputy Chief of General Staff for Logistics **b)** Deputy Chief of Defence Staff and Inspector General of the Army **DOB**: 1 Jan. 1960 **POB**: Yei, South Sudan **Good quality a.k.a.**: Malek Ruben **Low quality a.k.a.**: na **Nationality**: South Sudan **Passport no**: na **National identification no**: na **Address**: na **Other information**: As SPLA Deputy Chief of Staff for Logistics, Riak was one of the senior officials of the Government of South Sudan who planned and oversaw an offensive in Unity state in 2015 that resulted in widespread destruction and large population displacement.

Reason for listing:

Malek Ruben Riak is being listed pursuant to paragraphs 6, 7 (a), and 8 of resolution 2206 (2015), as reaffirmed in resolution 2418 (2018), for "actions or policies that threaten the peace, security or stability of South Sudan"; "Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan ...," and as a leader "of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7," and pursuant to paragraph 14 (e) of this resolution for "planning, directing, or committing acts involving sexual and gender-based violence in South Sudan".

Additional information:

According to the report by the Panel of Experts on South Sudan in January 2016 (S/2016/70), Riak was one of a group of senior security officials who planned a Unity state offensive against the SPLM-IO beginning in January 2015, and subsequently oversaw its execution from late April 2015 onwards. The Government of South Sudan began arming Bul Nuer youth in early 2015 to facilitate their participation in the offensive. Most Bul Nuer youth already had access to AK-pattern automatic rifles, but ammunition was critical to sustaining their operations. The Panel of Experts reported evidence, including testimony from military sources, that ammunition was supplied to youth groups by SPLA headquarters specifically for the offensive. Riak was the SPLA Deputy Chief of Staff for Logistics at the time. The offensive resulted in systematic destruction of villages and infrastructure, the forced displacement of the local population, the indiscriminate killing and torturing of civilians, the widespread use of sexual violence, including against the elderly and children, the abduction and recruitment of children as soldiers, and large population displacement. Following the destruction of much of the southern and central parts of the state, numerous media and humanitarian organizations, as well as the United Nations Mission in South Sudan (UNMISS) published reports about the scale of the abuses that were perpetrated."

2. **Name**: 1: PAUL 2: MALONG 3: AWAN 4: na

Title: General **Designation**: **a)** Former Chief of Staff of the Sudan People's Liberation Army (SPLA) **b)** Former Governor, Northern Bahr el-Ghazal State **DOB**: **a)** 1962 **b)** 4 Dec. 1960 **c)** 12 Apr. 1960 **POB**: Malualkon, South Sudan **Good quality a.k.a.**: **a)** Paul Malong Awan Anei **b)** Paul Malong **c)** Bol Malong **Low quality a.k.a.**: na **Nationality**: **a)** South Sudan **b)** Uganda **Passport no**: **a)** South Sudan number S00004370 **b)** South Sudan number D00001369 **c)** Sudan number 003606 **d)** Sudan number 00606 **e)** Sudan number B002606 **National identification no**: na **Address**: na **Other information**: As Chief of General Staff of the SPLA, Malong expanded or

extended the conflict in South Sudan through breaches of the Cessation of Hostilities Agreement and breaches of the 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS). He reportedly directed efforts to kill opposition leader Riek Machar. He ordered SPLA units to prevent the transport of humanitarian supplies. Under Malong's leadership, the SPLA attacked civilians, schools and hospitals; forced the displacement of civilians; carried out enforced disappearances; arbitrarily detained civilians; and conducted acts of torture, and rape. He mobilized the Mathiang Anyoor Dinka tribal militia, which uses child soldiers. Under his leadership, the SPLA restricted UNMISS, the Joint Monitoring and Evaluation Commission (JMEC), and CTSAMM access to sites to investigate and document abuses.

Reason for listing:

Paul Malong Awan is being listed pursuant to paragraphs 6, 7 (a), 7 (b), 7 (c), 7 (d), 7 (f), and 8 of resolution 2206 (2015), as reaffirmed in resolution 2418 (2018), for "actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement"; "actions or policies that threaten transitional agreements or undermine the political process in South Sudan"; "the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law"; "planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan"; "The use or recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan; "the obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, including IGAD's Monitoring and Verification Mechanism or of the delivery or distribution of, or access to, humanitarian assistance; and as a leader "of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7".

Additional information:

Malong served as Chief of General Staff of the SPLA from April 23, 2014, to May 2017. In his former position as the Chief of General Staff, he expanded or extended the conflict in South Sudan through breaches of the Cessation of Hostilities Agreement and breaches of the 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS). As of early August 2016, Malong reportedly directed efforts to kill South Sudanese opposition leader Riek Machar. Malong, knowingly countermanding President Salva Kiir's orders, ordered the 10 July 2016 tank, helicopter gunship, and infantry assaults on Machar's residence and the Sudan Peoples' Liberation Movement in Opposition (SPLM-IO)'s "Jebel" base. Malong personally oversaw efforts from SPLA headquarters to intercept Machar. As of early August 2016, Malong wanted the SPLA to attack Machar's suspected position immediately and informed SPLA commanders that Machar was not to be taken alive. In addition, in early 2016 information indicates that Malong ordered SPLA units to prevent the transport of humanitarian supplies across the Nile River, where tens of thousands of civilians were facing hunger, claiming that food aid would be diverted from civilians to militia groups. As a result of Malong's orders, food supplies were blocked from crossing the Nile for at least two weeks.

Throughout his tenure as Chief of General Staff of the SPLA, Malong has been responsible for the SPLA and its allied forces' perpetration of serious abuses including attacks on civilians, forced displacement, enforced disappearances, arbitrary detentions, torture, and rape. Under Malong's leadership, the SPLA launched attacks directed against the civilian population and intentionally killed unarmed and fleeing civilians. In the Yei area alone, the UN documented 114 killings of civilians by the SPLA and its allied forces between July 2016 and January 2017. The SPLA intentionally attacked schools and hospitals. In April 2017, Malong allegedly ordered the SPLA to clear all people, including civilians from the area around Wau. Malong reportedly did not discourage the killing of civilians by the SPLA troops, and persons suspected of hiding rebels were considered legitimate targets.

According to a 15 October 2014 African Union Commission of Inquiry on South Sudan report, Malong was responsible for the mass mobilization of Mathiang Anyoor Dinka tribal militia, which Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) documented use child soldiers.

Under Malong's leadership of the SPLA, the government forces regularly restricted United Nations Mission in South Sudan (UNMISS), Joint Monitoring and Evaluation Commission (JMEC), and CTSAMM's access when they tried to investigate and document abuses. For example, on April 5, 2017, a joint UN and CTSAMM patrol tried to access Pajok but was turned back by SPLA soldiers.